



**DECLARATION UNDER 37 C.F.R. § 1.132**

Sir:

WE, DAVID T. CURIEL, VICTOR KRASNYKH, RAMON ALEMANY, AND IGOR DMITRIEV, DECLARE AND STATE THAT:

1. We are the co-inventors of the subject matter described and claimed in the present patent application.

2. An abstract entitled, "Strategies to improve the therapeutic utility of conditionally replicative adenoviruses (CRAds) for cancer therapy" Proc. Amer. Assoc. Cancer Res. Ann. Meet. March 2002, Vol. 43, abstract 3287, Pg. 662-663 (hereinafter "Curiel"), names one author, David T. Curiel. As stated above, the co-inventors of the subject matter described and claimed in the present invention are D.T. Curiel, V. Krasnykh, R. Alemany, and I. Dmitriev. Thus, the authors of Curiel are not "others" as defined by 35 U.S.C. § 102(a) as to the inventive entity of this application, as the only author of Curiel is an inventor of this application.

3. Thus, we are advised and therefore believe that since the author of Curiel is not "others" as to the present inventive entity, this document is not available as a reference against the present patent application. We thus respectfully request that rejections based on this document be reconsidered and withdrawn.

4. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Date: 12/21/05

  
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DAVID T. CURIEL

Date: \_\_\_\_\_

\_\_\_\_\_  
VICTOR KRASNYKH

Date: \_\_\_\_\_

\_\_\_\_\_  
RAMON ALEMANY

Date: 12/21/05

Igor Dmitriev  
IGOR DMITRIEV